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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,376	07/07/2003	Ava Semple	1196_001	7405
20874	7590	09/09/2004	EXAMINER	
WALL MARJAMA & BILINSKI 101 SOUTH SALINA STREET SUITE 400 SYRACUSE, NY 13202			HANSEN, JAMES ORVILLE	
			ART UNIT	PAPER NUMBER
			3637	

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/614,376

Applicant(s)

SEMPLE, AVA

Examiner

James O. Hansen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 5-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In Claims 5-6, it is unclear as to whether the applicant is positively claiming an envelope. The preceding claims do not specifically claim this element, e.g., "for removably supporting a series of envelopes" Claim 1, line 8; but in Claims 5-6, there appears to be a positive recital of structure (lines 1-2 of claim 5 for example "each envelope includes an upwardly extended tab...") indicating the positive incorporation of the envelope in combination with the apparatus. Applicant is required to clarify the disclosed claimed material, making the language of the claims consistent with applicant's intent.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:
A person shall be entitled to a patent unless –
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
4. Claims 1-2 & 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by British publication 757,030 [known hereafter as GB`030]. The examiner has taken the position that an envelope is not being claimed in combination with the apparatus. GB`030 (figures 1-5) teaches of an apparatus (fig. 1) for organizing loose sheets of material in an orderly manner that includes: an open top housing (2) that contains a

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pair of spaced apart parallel rails (5) mounted in the top section of the housing; at least one frame assembly (fig. 2) supported upon the rails so that the frame assembly can be passed into and out of the housing through the open top; the at least one frame assembly includes a hanger means (9) mounted upon a support member (8) and capable of removably supporting a series of envelopes or article (1) upon the support member so that the articles may hang down inside the housing, each article may have the capacity to hold a number of sheets therein; and a slide member (6) that is arranged to move over the support member between a first open position (fig. 2) and a second closed position (shown in fig. 1), the slide member further includes a closure panel (17) that closes over the hanger means when the slide is in a closed position to prevent envelopes mounted upon the hanger means from being dislodged and for exposing the hanger means when the slide member is in an open position to permit envelopes to be removed from or placed upon the hanger means. The apparatus includes a latching means (21) capable of retaining the slide member in either the open or the closed position due to frictional forces. The apparatus includes a protective sheath (19) depending from the slide member to enclose the articles mounted in the frame. The apparatus includes a rest plate (viewed as the structure at ref. 7) that protrudes outwardly from either end of the assembly so that each plate rests in sliding contact with a respective rail.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary

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skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB`030 in view of Dumke [U.S. Patent No. 6,123,479]. GB`030 teaches applicant's inventive claimed structure as disclosed above, including the articles having spaced apart holes (as made by the apparatus in fig. 5); but does not show the hanger means as including a pair of spaced apart dowels. However, Dumke (figures 1-10) teaches of an organizing apparatus in an analogous art utilizing spaced apart dowels (18) aligned perpendicularly on a vertical sidewall of a support member (12) for the purpose of supporting an article (10). Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the hanger means of GB`030 so as to incorporate dowels as taught by Dumke because this arrangement would provide GB`030 with an alternative hanging means that may be easier to align with respective apertures [due to the symmetrical configuration of the dowels] located on varying article structures. As to claim 6, it would have been obvious to one having ordinary skill in the art at the time the invention was made to vary the type of material utilized for the article to be suspended, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of personal design choice or preference. Furthermore, British publication 815,171 is cited as an evidence reference showing that it was known in the art to incorporate a transparent suspended article (2) from a frame assembly.

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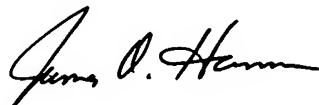
Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Semerjian, Yuen, Domenig, Everts, Splan, Rejwan, Thomas et al., Fletcher, Wright et al., British publication 872,635, French publications 33285, 642529, and 1024667, and Swiss publication 362401 describe organizers for sheet materials.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James O. Hansen whose telephone number is 703-305-7414. The examiner can normally be reached on Mon.-Fri. 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James O. Hansen
Primary Examiner
Art Unit 3637

JOH
September 2, 2004